

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**Re: ECF Nos. 18602, 21005, 21006,
22093**

URGENT MOTION FOR EXTENSION OF DEADLINE

To the Honorable United States District Court Judge Laura Taylor Swain:

COMES NOW, Community Health Foundation of P.R. Inc. (hereinafter “Movant”), through the undersigned attorney and very respectfully submits this urgent consensual motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the dates and deadlines established in the *Order Granting Urgent Consensual Motion for Extension of Deadlines* [ECF No. 21782] (the “Scheduling Order”), and states as follows:

Request for Relief

1. On October 19, 2021, Community Health Foundation of P.R. Inc. (“Movant”) filed the *Community Health Foundation of P.R. Inc.’s Motion for Allowance and Payment of*

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Administrative Expense [ECF No. 18602] (the “Administrative Expense Motion”) seeking, among other things, (i) allowance and payment of certain post-petition wraparound payments and (ii) an order requiring the Commonwealth to prospectively make all wraparound payments to Movant.

2. The Administrative Expense Motion requested a hearing for the Court to consider the Administrative Expense Motion (the “Hearing”) to be scheduled for December 15, 2021, at 9:30 a.m. (A.S.T.) and established the deadline to object to the Administrative Expense Motion (“Objection Deadline”) for November 30, 2021, at 4:00 p.m. (A.S.T.).

3. Thereafter, with Movant’s consent, the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) moved for several extensions of the deadlines set forth above to, among other things, allow Movant to furnish to the Oversight Board certain requested documentation in support of its claim and for the Oversight Board to evaluate said documentation and investigate the claim.

4. On April 13, 2022, upon the motion of the Oversight Board requesting an extension of the schedule proposed in the Administrative Expense Motion [ECF No. 20556], the Court entered an Order (the “Order”), pursuant to which it set the Objection Deadline for May 25, 2022, at 4:00 p.m. (A.S.T.) and the deadline for Movant’s reply papers (the “Reply Deadline”), if any, for June 8, 2022, at 4:00 p.m. (A.S.T.). The Hearing was scheduled for the June 29, 2022, omnibus hearing. *See Order Granting Urgent Consensual Motion Seeking Adjournment of Hearing* [ECF No. 20568] ¶ 2.

5. On May 25, 2022, the Oversight Board filed the *Objection of the Financial Oversight and Management Board for Puerto Rico to the Motion of Community Health Foundation of P.R. Inc. for Allowance and Payment of Administrative Expense* [ECF No. 21005] (the “Objection”) and a separate supporting *Declaration of Felmarie Cruz Morales*

in Respect of Objection of the Financial Oversight and Management Board for Puerto Rico [ECF No. 21006] (the “Cruz Declaration”).

6. On June 6, 2022, upon the motion of Movant requesting an extension of the schedule proposed in the Order [ECF No. 21110], the Court entered the Scheduling Order (the “Extension Order”), which set the Reply Deadline for July 8, 2022, at 4:00 p.m. (A.S.T.) and scheduled the Hearing on the Administrative Expense Motion for the August 10, 2022, omnibus hearing. See *Order Granting Urgent Consensual Motion for Extension of Deadlines* [ECF No. 21116], ¶¶ 2 and 3.

7. On July 7, 2022, upon the motion of Movant requesting an extension of the schedule proposed in the Extension Order [ECF No. 21456], the Court entered the Scheduling Order (the “Second Extension Order”), which set the Reply Deadline for August 8, 2022, at 4:00 p.m. (A.S.T.) and scheduled the Hearing on the Administrative Expense Motion for the September 21, 2022, omnibus hearing. See *Order Granting Urgent Consensual Motion for Extension of Deadlines* [ECF No. 21461], ¶¶ 2 and 3.

8. On August 8, 2022, upon the motion of Movant requesting an extension of the schedule proposed in the Second Extension Order [ECF No. 21750], the Court entered the Scheduling Order (the “Third Extension Order”), which set the Reply Deadline for September 7, 2022, at 4:00 p.m. (A.S.T.) and scheduled the Hearing on the Administrative Expense Motion for the November 2, 2022, omnibus hearing. See *Order Granting Urgent Consensual Motion for Extension of Deadlines* [ECF No. 21782], ¶¶ 2 and 3.

9. On September 7, 2022, upon the motion of Movant requesting an extension of the schedule proposed in the Third Extension Order [ECF No. 22084], the Court entered the Scheduling Order (the “Fourth Extension Order”), which set the Reply Deadline for September 21, 2022, at 4:00 p.m. (A.S.T.) and maintained the Hearing on the

Administrative Expense Motion as scheduled for the November 2, 2022, omnibus hearing. See *Order Granting Urgent Consensual Motion for Extension of Deadlines* [ECF No. 22093], ¶¶ 2 and 3.

10. Movant is in the process of finalizing the Reply with its supporting documentation and statements but requires additional time to finalize and file the Reply. Due to the aftermath of Hurricane Fiona, the undersigned has had difficulties communicating with the client to finalize the supporting statements and the undersigned's office operations have been affected by the lack of electrical power.

11. Accordingly, Movant respectfully requests an extension of 7 days, or until September 28, 2022, to file the Reply. The Hearing on the Administrative Expense Motion will remain as scheduled for the November 2, 2022, omnibus hearing, at 9:30 a.m. A.S.T.

The undersigned was not able to procure the Oversight Board's consent to this extension until today at about 3:15 P.M. and has yet to receive a response.

12. Pursuant to Paragraph 1.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the "Case Management Procedures"), Movant hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and the Oversight Board consents to the relief.

WHEREFORE, Community Health Foundation of P.R. Inc. respectfully requests the Court to enter the Proposed Order and to grant any further relief as is just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 21st day of September 2022.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will notify all parties registered through their attorneys of record, including the Standard Parties and the Affected Parties; and have served a copy of the foregoing to the U.S. Trustee by U.S. mail.

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Exhibit A
Proposed Order